

**SUPREME COURT MINUTES  
FRIDAY, NOVEMBER 7, 2008  
SAN FRANCISCO, CALIFORNIA**

**S167668****LITTLE (RONALD) ON H.C.**

Petition ordered withdrawn (criminal case)

Pursuant to written request of petitioner the above-entitled petition for habeas corpus is ordered withdrawn without prejudice to filing in the appropriate Court of Appeal.

**S043520****PEOPLE v. POWELL (CARL  
DEVON)**

Extension of time granted

Good cause appearing, and based upon counsel Neoma Kenwood's representation that she anticipates filing the appellant's opening brief by April 2, 2009, counsel's request for an extension of time in which to file that brief is granted to January 2, 2009. After that date, only two further extensions totaling about 90 additional days are contemplated.

**S067353****PEOPLE v. GONZALES  
(IVAN JOE)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Craig Buckser's representation that he anticipates filing the appellant's reply brief by July 2009, counsel's request for an extension of time in which to file that brief is granted to January 13, 2009. After that date, only three further extensions totaling about 180 additional days are contemplated.

**S067392****PEOPLE v. FREDERICKSON  
(DANIEL CARL)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Douglas Ward's representation that he anticipates filing the appellant's opening brief by January 9, 2009, counsel's request for an extension of time in which to file that brief is granted to January 9, 2009. After that date, no further extension is contemplated.

**S076334**  
**(DAVID**

**PEOPLE v. ARISMAN**  
**WAYNE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Timothy M. Weiner's representation that he anticipates filing the respondent's brief by March 10, 2009, counsel's request for an extension of time in which to file that brief is granted to January 9, 2009. After that date, only one further extension totaling about 60 additional days is contemplated.

**S078895**

**PEOPLE v. SIVONGXXAY**  
**(VAENE)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Wilbur H. Haines III's representation that he anticipates filing the appellant's opening brief by December 1, 2009, counsel's request for an extension of time in which to file that brief is granted to January 6, 2009. After that date, only six further extensions totaling about 330 additional days are contemplated.

**S081700**

**PEOPLE v. HARRIS (WILLIE**  
**LEO)**

Extension of time granted

Good cause appearing, and based upon counsel Richard I. Targow's representation that he anticipates filing the appellant's opening brief by April 2009, counsel's request for an extension of time in which to file that brief is granted to January 5, 2009. After that date, only two further extensions totaling about 90 additional days are contemplated.

**S087533**

**PEOPLE v. POPS (ASWAD) &**  
**WILSON (BRYON)**

Extension of time granted

Good cause appearing, and based upon counsel Marilee Marshall's representation that she anticipates filing the appellant Aswad Pops's opening brief by December 3, 2008, counsel's request for an extension of time in which to file that brief is granted to December 3, 2008. After that date, no further extension is contemplated.

**S099439****PEOPLE v. KREBS (REX  
ALLAN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to January 2, 2009.

**S101247****PEOPLE v. VARGAS  
(EDUARDO DAVID)**

Extension of time granted

Good cause appearing, and based upon counsel Russell S. Babcock's representation that he anticipates filing the appellant's opening brief by November 1, 2009, counsel's request for an extension of time in which to file that brief is granted to December 19, 2008. After that date, only five further extensions totaling about 310 additional days are contemplated.

**S107900****PEOPLE v. WRIGHT, JR.,  
(WILLIAM LEE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to January 16, 2009.

**S144756****HARRIS (LANELL CRAIG)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Alfons A. Wagner's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by January 2, 2009, counsel's request for an extension of time in which to file that document is granted to January 2, 2009. After that date, no further extension is contemplated.

**S146501****ALVAREZ (MANUEL  
MACHADO) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Assistant Federal Defender Harry Simon's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by January 16, 2009, counsel's request for an extension of time in which to file that document is granted to January 16, 2009. After that date, no further extension is contemplated.

**S153790****CARTER (DEAN PHILLIP)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defender Brad D. Levenson's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by February 23, 2009, counsel's request for an extension of time in which to file that document is granted to December 26, 2008. After that date, only one further extension totaling about 60 additional days is contemplated.

**S158710****LYNCH (FRANKLIN) ON****H.C.**

Extension of time granted

Good cause appearing, and based upon Senior Assistant Attorney General Gerald A. Engler's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by January 2, 2009, counsel's request for an extension of time in which to file that document is granted to January 2, 2009. After that date, no further extension is contemplated.

**S162381****FARNAM (JACK GUS) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General David A. Wildman's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by January 18, 2009, counsel's request for an extension of time in which to file that document is granted to January 20, 2009. After that date, no further extension is contemplated.

**S163222****CHIARA (STEPHEN DUANE)  
ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to the informal response is extended to November 26, 2008.

**S165522**

C051311 Third Appellate District

**BARNETT (LEE MAX) v. S.C.  
(PEOPLE)**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's answer brief on the merits is hereby extended to December 18, 2008.

**S126214****PEOPLE v. CRUMMEL  
(JAMES LEE)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, William Hassler is hereby appointed to represent appellant James Lee Crummel for the direct appeal in the above automatic appeal now pending in this court.

**S031641****PEOPLE v. TATE (GREGORY  
O.)**

Order filed

Appellant's "Application for Leave to File Reply Brief Longer than 47,600 words" is granted.

**S136498**

C044964 Third Appellate District

**PEOPLE v. SCOTT (ANDRE  
RENE)**

Order filed

The request of counsel for appellants in the above-referenced cause to allow two counsel to argue on behalf of appellants at oral argument is hereby granted.

The request of appellants to allocate to appellant Maurice Contreal Kenney 15 minutes and appellant Andre Rene Scott 15 minutes of appellants' 30-minute allotted time for oral argument is granted.

**S150402**

H029345 Sixth Appellate District

**SPIELBAUER (THOMAS) v.  
COUNTY OF SANTA CLARA**

Order filed

The request of counsel for respondents in the above-referenced cause to allow two counsel to argue on behalf of respondents at oral argument is hereby granted.

The request of respondents to allocate to amicus curiae Edmund G. Brown, Jr., 10 minutes and amici curiae California State Sheriffs' Association et al., 10 minutes of respondents' 30-minute allotted time for oral argument is granted.

**S153846  
SPRINT**

G037375 Fourth Appellate District, Div. 3

**MEYER (PAMELA) v.  
SPECTRUM L.P.**

Order filed

The request of counsel for appellants in the above-referenced cause to allow two counsel to argue on behalf of appellants at oral argument is hereby granted.

The request of appellants to allocate to amicus curiae National Association of Consumer Advocates 15 minutes of appellants' 30-minute allotted time for oral argument is granted.  
**S167999**

**PEOPLE v. ARTEAGA  
(LORENZO)**

Transferred to Court of Appeal, Sixth Appellate District

The above-entitled matter is transferred to the Court of Appeal, Sixth Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

**S166504**

**FOLKE ON DISCIPLINE**

Recommended discipline imposed

It is ordered that DUANE R. FOLKE, State Bar No. 137341, be suspended from the practice of law for two years and until he makes restitution as set forth below and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for six months and until he makes restitution to:

- (a) Betty Ross and Randy Akins, in the amount of \$6,000, plus 10 percent interest per annum from  
July 1, 2001 (respondent will receive credit for such portion of those monies upon satisfactory proof to the Office of Probation that Ross and Akins have recovered from respondent's investigator);
- (b) Octave Hyacinth in the amount of \$2,350, plus 10 percent interest per annum from July 1, 2001;
- (c) Emelda Ford and Kenji Howard, in the amounts of
  - (i) \$4,000, plus 10% interest per annum from March 16, 1999;
  - (ii) \$2,500, plus 10% interest per annum from February 9, 1998;
  - (iii) \$1,000, plus 10% interest per annum from April 21, 1999; and
  - (iv) \$2,500, plus 10% interest per annum from January 9, 2000;
- (d) Wendel Phillips in the amount of \$2,000, plus 10 percent interest per annum from September 1, 2001;
- (e) Nedra Armstrong in the amount of \$7,500, plus 10 percent interest per annum from November 10, 1999; and
- (f) Armando Nunez, Jr., in such amount as may be ordered in any fee arbitration proceeding that Nunez may bring against respondent (respondent must consent to binding arbitration and abide by any resulting fee arbitration award or order).

If the Client Security Fund (CSF) has already reimbursed any of the above-named individuals for all or any portion of their respective losses, respondent must make restitution to CSF of the amount(s) paid, plus applicable interest and costs, in accordance with Business and Professions Code section 6140.5, and must provide satisfactory proof of such payment to the Office of Probation. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). To the extent that respondent has paid any restitution prior to the effective date of the Supreme Court's final disciplinary order in this proceeding, respondent will be given credit for such payment(s) provided satisfactory proof of such is or has been shown to the Office of Probation. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on July 9, 2008, as modified by its order filed July 23, 2008. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**BAR MISC. 4186    IN THE MATTER OF THE APPLICATION OF THE COMMITTEE  
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA  
FOR ADMISSION OF ATTORNEYS (MOTION NO. 841)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)

